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Oceans and the law of the sea

Oceans and the law of the sea

Report of the Secretary-General*

Addendum

Summary

The present report has been prepared as an addendum to the main report (A/57/57) and should be read in conjunction with it, as well as with the report on the work of the third meeting of the United Nations Open-ended Informal Consultative Process established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs (A/57/80), and with the report of the twelfth Meeting of States Parties to the Convention, at which the elections to the International Tribunal for the Law of the Sea and to the Commission on the Limits of the Continental Shelf were held. This addendum covers the period from the date of publication of the main report, 7 March 2002, to mid-October 2002. It contains information on the status of the United Nations Convention on the Law of the Sea and its implementing Agreements, and declarations and statements made by States under articles 287 and 298 of the Convention. In spring and summer 2002, the Commission considered the first submission by a coastal State regarding the outer limits of its continental shelf beyond 200 nautical miles and adopted its recommendations to the State on the matter. The Consultative Process conducted its third meeting and adopted recommendations to the General Assembly. The first informal meeting of States parties to the 1995 Fish Stocks Agreement was convened; it recommended certain actions to be undertaken by the General Assembly. The present addendum also contains a summary of the results of the World Summit on Sustainable Development, held in Johannesburg, South Africa, in particular as they relate to the oceans and seas.

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I. Introduction

1. In its annual resolutions on "Oceans and the law of the sea", the General Assembly continues to reaffirm the importance of the annual consideration and review of overall developments relating to ocean affairs and the law of the sea. The annual debate on these issues at the fifty-seventh session of the General Assembly has become even more important, since the year 2002 marks the twentieth anniversary of the adoption and opening for signature of the 1982 United Nations Convention on the Law of the Sea (UNCLOS or Convention).

2. In 1999, in its resolution 54/33 of 24 November 1999, the General Assembly established an open-ended informal consultative process in order to facilitate its annual review, in an effective and constructive manner, of developments in ocean affairs by considering the Secretary-General's report on oceans and the law of the sea. Accordingly, the Secretary-General's report on oceans and the law of the sea for the fifty-seventh session of the General Assembly was submitted to the third Meeting of the Consultative Process, held from 8 to 15 April 2002 (A/57/57).

3. The present report has been prepared as an addendum to the main report and should be read in conjunction with it, as well as with the report on the work of the Consultative Process at its third meeting (A/57/80)[1] and the report of the twelfth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in New York from 16 to 26 April 2002 (SPLOS/91). The present report contains a short overview of the results of both the third meeting of the Consultative Process and the twelfth Meeting of States Parties.

4. The attention of the General Assembly is also drawn to another report, entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments", submitted to the General Assembly at the current session pursuant to General Assembly resolution 55/8 of 30 October 2000.[2]

II. The United Nations Convention on the Law of the Sea and its implementing Agreements

A. Status of the Convention and its implementing Agreements

5. There have been no changes in the status of the Convention since the report of the Secretary-General (A/57/57) was issued and, as at mid-September 2002, the total number of States Parties, including one international organization, continued to stand at 138. However, it is expected that additional States may express their final consent to be bound by it at the time of the commemoration of the twentieth anniversary of the opening of the Convention for signature.

6. In August 2002, two States, Cameroon and Kuwait, expressed their consent to be bound by the Agreement of 28 July 1994, relating to the implementation of Part XI of UNCLOS. The number of parties to that Agreement has thus risen to 107.

7. As for the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the 1995 Fish Stocks Agreement), one new instrument of accession has

been deposited by Cyprus since the issuance of the main annual report. Thus, nine months after the entry into force of that Agreement, on 11 December 2001, the number of States Parties to the Agreement stands at 32.

B. Declarations and statements under articles 287 and 298 of the Convention

8. Since February 2002, three States Parties made declarations under articles 287 and 298 of UNCLOS. Under article 287, which allows States to choose, by means of written declaration, one or more specific means for the settlement of disputes concerning the interpretation or application of the Convention, Australia declared on 21 March 2002 that it had chosen the International Tribunal for the Law of the Sea and the International Court of Justice, without specifying that one has precedence over the other. Honduras declared, on 18 June 2002, that it had chosen the International Court. Honduras also reserved the possibility of considering any other means of peaceful settlement, including the Tribunal, as agreed on a case-by-case basis. In a declaration of 19 July 2002, Spain stated that it had chosen both the Tribunal and the International Court.

9. Under article 298 a State may declare in writing that it does not accept any one or more of the compulsory procedures entailing binding decisions provided for in section 2 of Part XV of UNCLOS with respect to one or more of specific categories of disputes. With reference to the provisions of that article, Australia declared that it did not accept any of the procedures provided for in section 2 of Part XV (including the procedures it had selected under article 287) with respect of disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations as well as those involving historic bays or titles. Spain made a similar declaration with regard to sea boundary delimitations.

10. Since the issuance of the main annual report, no States have made a declaration or statement pursuant to article 30, paragraphs 3 and 4, of the 1995 Fish Stocks Agreement.

C. Meeting of States Parties (twelfth Meeting)

11. The twelfth Meeting of States Parties to the United Nations Convention on the Law of the Sea was held in New York from 16 to 26 April 2002.[3] Ambassador Don MacKay of New Zealand was elected President of the twelfth Meeting. The Meeting, inter alia, considered the following issues: the budget of the International Tribunal for the Law of the Sea for the year 2003; the annual report of the Tribunal to the Meeting of States Parties; the Financial Regulations of the Tribunal; and the election of members of the Tribunal and of the Commission on the Limits of the Continental Shelf. The Meeting also dealt with the granting of observer status to the Commission, issues with respect to article 4 of annex II to UNCLOS and matters related to article 319 of UNCLOS. The annual report of the Tribunal addressed both the administrative and the judicial functioning of the Tribunal. It also addressed the relationship between the host country and the Tribunal, including the status of the negotiations on the Headquarters Agreement (see SPLOS/74).

12. *Budget of the Tribunal.* The Meeting approved for the Tribunal a budget of US$ 7,798,300. This included a recurrent expenditure of $6,710,400 and a non-recurrent expenditure of $100,000, essentially for the acquisition of equipment. In addition, the Meeting also approved $987,900 as contingency funds to be utilized in the event of cases being submitted to it in 2003. A further amount of $500,000 was also approved to be appropriated to the Working Capital Fund of the Tribunal on an exceptional basis. These funds are to provide the Tribunal with the necessary financial means to consider cases to the extent that the expenditure could not be met from the contingency funds or from transfer of funds between appropriation sections. The amount was derived from savings from the financial period 2001. The total budget was based on an evolutionary approach and on the principle of zero growth.

13. *Financial Regulations.* A significant development during the Meeting was the adoption of the Financial Regulations of the Tribunal in the informal working group, with one pending issue remaining for further negotiations, the scale of assessment relating to the floor rate and a ceiling rate to be applied to contributions made by States Parties to the budget of the Tribunal. For the 2003 budget, the Meeting decided that a floor rate of 0.01 per cent and a ceiling rate of 25 per cent would be used in establishing the rate of assessment for States Parties. With regard to future budgets, it was agreed that the issue would have to be further discussed at the thirteenth Meeting.

14. Another important decision taken by the Meeting relating to the Financial Regulations was the issue of the "split currency system". The Meeting agreed that the euro would be used for the presentation of the Tribunal's budget, the determination of the annual contributions and for advances. However, it decided that payments could be made either in United States dollars or in euros. Some delegations emphasized that although the agreement reached was in conformity with the principles of savings and practicality and in line with United Nations rules, the decision should nevertheless not constitute a precedent for all international organizations to use the currency of their headquarters.

15. *Elections to the Tribunal.* The twelfth Meeting of States Parties was to elect the seven members of the Tribunal to fill the seats of those judges whose term of office was to expire on 30 September 2002. In accordance with article 6 of the Statute of the Tribunal, Lennox Fitzroy Ballah of Trinidad and Tobago was elected to fill the vacancy and complete the term of office which became vacant as a result of the passing away on 11 September 2001 of Judge Edward Laing of Belize. The Meeting then elected Lennox Fitzroy Ballah (Trinidad and Tobago), Guangjian Xu (China), Hugo Caminos (Argentina), Jean-Pierre Cot (France), Tullio Treves (Italy), Tafsir M. Ndiaye (Senegal) and Alexander Yankov (Bulgaria) to replace those judges whose term of office was to expire.

16. *Elections to the Commission.* The Meeting also dealt with the election of 21 members of the Commission on the Limits of the Continental Shelf, in accordance with article 2, paragraphs 3 and 4, of annex II to UNCLOS (see sect. III on the work of the Commission).

17. *Work of the International Seabed Authority.* Pursuant to the decision of the ninth Meeting of States Parties (SPLOS/48, para. 53, and rule 37 of the Rules of Procedure for Meetings of States Parties), the Secretary-General of the International Seabed Authority, Satya N. Nandan, provided an oral report to the Meeting on recent

developments with regard to the work of the Authority. He pointed out that the most significant milestone for the Authority in 2001 had been the conclusion of 15-year exploration contracts with six former pioneer investors, in accordance with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, approved by the Assembly of the Authority in 2000 (ISBA/6/A/18). The issuance by the Authority's Legal and Technical Commission of a set of recommendations for the guidance of contractors for the assessment of possible environmental impacts arising from exploration for polymetallic nodules, was another significant achievement in the year under review. The Secretary-General outlined the main areas of focus as regards the future work of the Authority. He also introduced three scientists who made presentations in the context of the work of the Authority on cobalt-rich ferromanganese crusts and polymetallic sulphides, as well as the ecosystems in which those minerals were found.

18. *Article 319 of UNCLOS.* On matters related to article 319 of UNCLOS, two main differing views were expressed as to the role of the Meeting of States Parties in considering issues relating to the implementation of the Convention. One view was that the Meeting should receive and consider every year a report from the Secretary-General on issues of a general nature that had arisen with respect to the Convention. Another view was that there was no legal basis in the Convention for such a role of the Meeting, and that issues relating to the implementation of the Convention were being dealt with in other forums, especially by the General Assembly. In the light of the various views expressed, the Meeting decided to retain the current item on matters related to article 319 of UNCLOS on the provisional agenda for the thirteenth Meeting.

19. *Other matters.* In accordance with rule 18, paragraph 4, of the Rules of Procedure for Meetings of States Parties, the representative of the Seamen's Church Institute, a non-governmental organization, was invited to address the Meeting as an observer. In his statement, he drew attention to two issues: the duty to rescue persons in distress at sea and the safety of fishing vessels.

20. The Meeting also took note, with appreciation, of the decision of the General Assembly at its fifty-sixth session to devote two days of plenary meetings at the fifty-seventh session of 9 and 10 December 2002, to the commemoration of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea.

21. The thirteenth Meeting of States Parties will be held from 9 to 13 June 2003 at United Nations Headquarters.

III. Maritime space

Continental shelf beyond 200 nautical miles and work of the Commission on the Limits of the Continental Shelf

22. Since its establishment in June 1997, the Commission has held 11 sessions at United Nations Headquarters in New York. The tenth session, which took place from 25 March to 12 April 2002, was the last of the first five-year term of the Commission. The eleventh session, inaugurating the newly elected membership of the Commission, was held from 24 to 28 June 2002. The session was opened by the

representative of the Secretary-General of the United Nations, Ralph Zacklin, Assistant Secretary-General in charge of the Office of Legal Affairs, who then presided over the election of the new chairman. Following consultations, Peter F. Croker was elected as Chairman by acclamation. The Commission also elected three Vice-Chairmen, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika and Mladen Juračić; and as Rapporteur, Yong-Ahn Park. All officers were elected to a term of two and a half years.[4]

23. In accordance with rule 10 of its Rules of Procedure, each member of the Commission present at the eleventh session made a solemn declaration in regard to the performance of his duties in the Commission at a ceremony convened for the occasion.

24. In addition to the election of its officers, the Commission renewed the composition of two of its standing subsidiary bodies, the Standing Committee on provision of scientific and technical advice to coastal States and the Committee on confidentiality. Upon nomination by the regional groups, the Commission elected the members of those bodies, who met and elected their officers. Philip Alexander Symonds was elected Chairman of the former Committee, and A. Bakar Jaafar as the Chairman of the latter.[5]

25. The Commission also elected the Chairmen of its two standing open-ended bodies, the Editorial Committee and the Training Committee. Harald Brekke was elected as Chairman of the Editorial Committee, and Indurlall Fagoonee was elected Chairman of the Training Committee.

26. At its eleventh session, the Commission decided not to hold the session which had originally been scheduled to be convened from 26 to 30 August 2002. Two sessions would be held in 2003, the twelfth session from 28 April to 2 May, followed by two weeks of meetings of a subcommission, in the event that a submission were to be received by the Commission. The thirteenth session was scheduled to be held from 25 to 29 August 2003.[6]

27. *Consideration of the submission made by the Russian Federation.* Although the Commission had usually held its sessions for either one or two weeks, the tenth session was of three weeks' duration in order to allow sufficient time to review the submission of the Russian Federation, which had been received by the Secretary-General on 20 December 2001.

28. The Commission had begun its tenth session formally only after the required quorum had been achieved. Mr. Yong-Ahn Park, Vice-Chairman, replaced the Chairman of the Commission, Mr. Yuri Kazmin during the consideration of the Russian submission. The Deputy Minister of Natural Resources of the Russian Federation, Ivan Gloumov, accompanied by other experts, had been invited to make a presentation[7] of the submission to the Commission, followed by a question-and-answer period.

29. Mr. Gloumov was also requested to present the position of his Government regarding communications in respect of the Russian submission addressed to the Secretary-General by Canada, Denmark, Japan, Norway and the United States of America, which had been circulated by the Secretariat to States Members of the United Nations as well as to all members of the Commission.[8] He was of the view that the communications did not constitute obstacles to the consideration of the submission by the Commission.

Establishment and work of the Subcommission

30. In accordance with article 5 of annex II to the Convention, following informal consultations, a subcommission was elected to examine the Russian submission and formulate the recommendations. The Subcommission was composed of seven members, appointed in a balanced manner and taking into account specific scientific elements of the Russian Federation's submission. The composition of the Subcommission was as follows: Alexandre Tagore Medeiros de Albuquerque (Brazil), Lawrence Folajimi Awosika (Nigeria), Galo Carrera Hurtado (Mexico), Peter F. Croker (Ireland), Karl H. F. Hinz (Germany), Iain C. Lamont (New Zealand) and Yong-Ahn Park (Republic of Korea). The Subcommission elected Mr. Carrera as its Chairman, Mr. Hinz Vice-Chairman and Mr. Croker as Rapporteur.

31. Taking into account the complexity and volume of the data involved, the Subcommission considered that it was not in a position to complete the preparation of the recommendations by the end of the tenth session. The Subcommission then commenced the detailed examination of the submission and continued its work through the end of the tenth session. It met twice daily and convened 20 meetings, including 6 meetings devoted to consultations in the form of questions and answers between its members and the experts of the delegation of the Russian Federation. It requested additional information from the Russian Federation on certain elements of its submission.

32. The Subcommission reconvened from 10 to 14 June 2002, before the expiration of the term of office of the current membership of the Commission on 15 June 2002. It continued the examination of the data and other materials contained in the submission, including the additional information received on 15 May 2002. On 14 June, the Subcommission completed the recommendations and forwarded them to the eleventh session of the Commission, which was scheduled to be held from 24 to 28 June following the election of the new membership of the Commission by the Meeting of States Parties.[9]

33. The Commission at its eleventh session continued the consideration of the Russian submission. Regarding the issue of whether the representatives of the Russian Federation had a right to be present during the deliberations,[10] one member of the Commission expressed the view that, pursuant to rule 51 of the Rules of Procedure of the Commission (CLCS/3/Rev.3), article 5 of annex II to the Convention and paragraph 16 of section VII of the Modus Operandi of the Commission (CLCS/L.3), the representatives of the coastal State were entitled to participate in the proceedings, without the right to vote, since the discussion of the recommendations was part of the relevant proceedings referred to in article 5. He also pointed out that, should the Rules be interpreted as preventing the participation of that State's representatives during the Commission's discussion of the recommendations of the Subcommission, the provisions of the Convention should prevail over the Rules of Procedure of the Commission.

34. An opposing view was expressed that, since the Rules of Procedure constituted a further development of the provision of article 5 of annex II and had been widely distributed, made available to all States and had met with no objections, the Commission should continue to be guided in its work by those Rules. It was emphasized that rule 51 of the Rules of Procedure provided for the participation of the coastal State "in the proceedings deemed relevant by the Commission". In addition, the representatives of the coastal State had already been invited by the

Commission on two separate occasions during the tenth session to make a presentation on the submission, and furthermore, the Subcommission had held six meetings of consultations in the form of questions and answers between the members of the Subcommission and the representatives of the coastal State.

35. Moreover, in accordance with rule 4 of annex II to the Rules of Procedure, as amended by the Commission at its ninth session in May 2001, "the deliberations of the Commission and subcommission on all submissions made in accordance with article 76, paragraph 8, of the Convention shall take place in private and remain confidential". Therefore, it was stated, at the current, final stage, the Commission should consider and adopt the recommendations at a private meeting.

36. In view of the clear impossibility of achieving a consensus on the issue, the Chairman put to the vote the following question: "Do you agree that the Commission may discuss the recommendations of the subcommission and Commission in a closed meeting, and consider those proceedings as 'not relevant' for the purposes of inviting the coastal State pursuant to article 5 of annex II to the Convention and rule 51 of the Rules of Procedure of the Commission?" The vote was conducted by secret ballot, and, out of 18 members present and voting, the question was answered positively by 15 votes against 3 negative responses.

37. The Commission continued its deliberations on the recommendations in closed meetings,[11] at which the Chairman of the Subcommission, Mr. Carrera, made a presentation on its work and on its recommendations. The Commission made several amendments and adopted the recommendations by consensus. In conformity with the provisions of the Convention, the recommendations of the Commission were submitted in writing to the coastal State that had made the submission, the Russian Federation, and to the Secretary-General of the United Nations.

Recommendations of the Commission in regard to the submission made by the Russian Federation

38. The recommendations contain the results of the examination of the data and information submitted by the Russian Federation, with particular reference to the question of the entitlement of the Russian Federation to the continental shelf beyond 200 nautical miles, as well as whether the formulae and the constraints had been applied as required by article 76 of the Convention. The Commission presented its recommendations to the Russian Federation regarding the four areas relating to the continental shelf extending beyond 200 nautical miles contained in the submission: the Barents Sea, the Bering Sea, the Sea of Okhotsk and the Central Arctic Ocean.

39. In the case of the Barents and Bering seas, the Commission recommended to the Russian Federation, upon entry into force of the maritime boundary delimitation agreements with Norway in the Barents Sea, and with the United States of America in the Bering Sea, to transmit to the Commission the charts and coordinates of the delimitation lines as they would represent the outer limits of the continental shelf of the Russian Federation extending beyond 200 nautical miles in the Barents Sea and the Bering Sea respectively.

40. Regarding the Sea of Okhotsk, the Commission recommended to the Russian Federation to make a well-documented partial submission for its extended continental shelf in the northern part of that sea. The Commission stated that this partial submission shall not prejudice questions relating to the delimitation of

boundaries between States in the south for which a submission might subsequently be made, notwithstanding the provisions regarding the 10-year time limit established by article 4 of annex II to the Convention. In order to make this partial submission, the Commission also recommended to the Russian Federation to make its best efforts to effect an agreement with Japan in accordance with paragraph 4 of annex I to the Rules of Procedure of the Commission.

41. As regards the Central Arctic Ocean, the Commission recommended that the Russian Federation make a revised submission in respect of its extended continental shelf in that area based on the findings contained in the recommendations.

42. *Twelfth Meeting of States Parties to UNCLOS (16-26 April 2002) and issues relating to the Commission.* Upon the invitation of the President of the twelfth Meeting, the Chairman of the Commission, Yuri Kazmin, informed the Meeting on the work of the Commission. He also referred to the remarks made by the President of the eleventh Meeting regarding the advisability of granting observer status to the Commission (SPLOS/73, para. 60), a status that had already been granted to the Tribunal and the Authority. A number of delegations at that Meeting had expressed their belief that granting observer status to the Commission would be beneficial for the work of the Commission as well as that of the Meeting of States Parties. The members of the Commission consequently had requested the Chairman to address a letter to the President of the twelfth Meeting, conveying the view of the Commission that it would welcome its granting of observer status at the Meeting (CLCS/29, para. 22). The twelfth Meeting had this letter before it (SPLOS/76).

43. After consideration of the issue, the Meeting adopted a decision granting observer status to the Commission (SPLOS/86). A new paragraph 3 bis of rule 18 regarding the observer status of the Commission was added to the Rules of Procedure for Meetings of States Parties.

44. *Election of the members of the Commission.* According to article 2, paragraph 3, of annex II to the Convention, no less than three members of the Commission shall be elected from each geographical region. After consultations and in accordance with the understanding reached by the twelfth Meeting on 18 April 2002, for the purpose of conducting this election, the members of the Commission were elected as follows: four members from the Group of African States; six members from the Group of Asian States; three members from the Group of Eastern European States; four members from the Group of Latin American and Caribbean States; and four members from the Group of Western European and Other States.

45. One round of balloting took place. The following 21 candidates were elected: Hilal Mohamed Sultan Al-Azri (Oman), Alexandre Tagore Medeiros de Albuquerque (Brazil), Osvaldo Pedro Astiz (Argentina), Lawrence Folajimi Awosika (Nigeria), Samuel Sona Betah (Cameroon), Harald Brekke (Norway), Galo Carrera Hurtado (Mexico), Peter F. Croker (Ireland), Indurlall Fagoonee (Mauritius), Noel Newton St. Claver Francis (Jamaica), Mihai Silviu German (Romania), Abu Bakar Jaafar (Malaysia), Mladen Juračić (Croatia), Yuri Borisovitch Kazmin (Russian Federation), Wenzheng Lu (China), Yong-Ahn Park (Republic of Korea), Fernando Manuel Maia Pimentel (Portugal), Philip Alexander Symonds (Australia), Kensaku Tamaki (Japan), Naresh Kumar Thakur (India) and Yao Ubuénalè Woeledji (Togo).

46. *Trust Fund for preparation of submissions to the Commission.* Upon the recommendation of the tenth Meeting of States Parties, the General Assembly, in its resolution 55/7 of 30 October 2000 established, the Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf by developing States, in particular the least developed countries and small island developing States, in compliance with article 76 of the United Nations Convention on the Law of the Sea. The terms of reference of the Trust Fund are contained in annex II to the resolution. Norway donated $1 million to the Trust Fund in 2000.[12] No reimbursements have yet been made from the Fund, although several applications to the Fund have been approved and disbursement is awaiting the completion of submission of required documents. As of the end of the six-month period of the biennium 2002-2003 (30 June 2002), the estimated balance of the Fund was $1,039,972.[13]

47. In general terms, the purpose of the Fund is to provide assistance to the developing States Parties to meet their obligations under article 76 of the Convention, and in particular, to assist in financing the training of personnel of developing countries, to enable them to prepare submissions to the Commission with respect to the outer limits of the continental shelf beyond 200 nautical miles, as appropriate.[14]

48. Developing States that wish to apply to the Fund should address their applications to the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations.[15]

49. The first meeting of the panel to review applications to the Trust Fund was held in April 2002. The panel was composed of representatives from the permanent missions of Brazil, Japan, Norway, Slovakia and South Africa; applications had been received from Fiji, the Federated States of Micronesia, Papua New Guinea, Solomon Islands, Tonga, Mozambique and the Seychelles. On the basis of the recommendations of the panel, the Division approved the amounts for reimbursement for seven nominees — one national from each State which had applied — of the costs associated with the training course on the establishment of the outer limits of the continental shelf beyond 200 nautical miles in accordance with UNCLOS to be given at the Southampton Oceanography Centre, United Kingdom, from 13 to 17 May 2002. With the exception of the Micronesian candidate, all the pre-approved candidates attended the course.

50. Requests were also tentatively approved for the funding of desktop studies from four South Pacific States — Fiji, Micronesia (Federated States of), Papua New Guinea and Solomon Islands.

Workshops, training courses and symposia (2002)

51. In its resolution 55/7, the General Assembly had encouraged coastal States and relevant international organizations and institutions to consider developing and making available training courses on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and on the preparation of submissions to be presented to the Commission.

52. *Training course in Brazil*. A five-day training course organized according to the outline developed by the Commission (CLCS/24) was held at Rio de Janeiro from 3 to 9 March 2002 (A/57/57, para. 74). Participants included experts from 23 countries (Angola, Argentina, Chile, Colombia, Cuba, Ecuador, Gabon, Guinea-Bissau, Guyana, Indonesia, Jamaica, Mauritius, Mozambique, Namibia, Nigeria, Papua New Guinea, Peru, Portugal, Suriname, South Africa, Trinidad and Tobago, Uruguay and Venezuela). The course was organized by Brazilian scientists directly involved in activities relating to the delineation of the outer limits of the national continental shelf, as well as by the Brazilian member of the Commission, Alexandre T. M. de Albuquerque.

53. *Southampton Oceanographic Centre*. A second training course on the establishment of the outer limits of the continental shelf beyond 200 nautical miles in accordance with UNCLOS was conducted at the Southampton Oceanography Centre from 13 to 17 May 2002. This course, partially based on the training modules developed by the Commission, had been offered for the first time in 2001. This year it was attended by 21 participants from 12 countries (Australia, Democratic Republic of the Congo, Denmark, Fiji, Mauritius, Morocco, Mozambique, Papua New Guinea, Seychelles, Solomon Islands, Tonga and United States of America). Six participants were nominees of developing coastal States, primarily small island States in the Pacific region, whose expenses were authorized to be defrayed from monies from the Trust Fund for the preparation of submissions to the Commission.

54. *Workshop in Malaysia*. The Kuala Lumpur Workshop on the Delineation of the Outer Limits of the Continental Shelf was held from 8 to12 July 2002. The training module of the Kuala Lumpur Workshop was also based on the five-day training course outline prepared by the Commission (CLCS/24). The Minister for Foreign Affairs of Malaysia, Datuk Seri Syed Hamid Albar, officiated at the Workshop, which was attended by 52 participants from 15 countries (Bangladesh, Brunei Darussalam, Cambodia, Fiji, India, Indonesia, Malaysia, Mauritius, Myanmar, Pakistan, Papua New Guinea, Philippines, Maldives, Thailand and Viet Nam). It was the first workshop of its kind to be held in the Asia-Pacific region. The organizers were the National Security Division of the Prime Minister's Department, the Ministry of Foreign Affairs and the Maritime Institute of Malaysia, with the financial support of the National Petroleum Corporation of Malaysia (PETRONAS).

55. The Workshop was conducted by two current members of the Commission on the Limits of the Continental Shelf, Harald Brekke of Norway and A. Bakar Jaafar of Malaysia, together with a former member of the Commission, Karl H. F. Hinz of Germany. Two local experts, First Admiral Mohd. Rasip Hassan, formerly the Director-General of the Royal Malaysian Navy Hydrographic Department, and Tan Ah Bah of the Survey and Mapping Department, Malaysia, also participated in conducting the workshop.

56. The Kuala Lumpur Workshop also emphasized the need for coastal States, especially those bordering the South China Sea, to work jointly on activities with a view to determining the outer limits of the continental shelf beyond 200 nautical miles. It was hoped that shared arrangements would help facilitate the optimization of available limited resources through the sharing of data and expertise aimed at ensuring that the deadline of 13 May 2009 for submission to the Commission of the coastal States of the Association of South-East Asian Nations region could be met.

IV. Conservation and management of marine living resources

57. The implementation of international instruments adopted subsequent to the 1992 United Nations Conference on Environment and Development, including those relating to the conservation and management of marine living resources, has been a major focus of attention of the international community. In particular, specific reference should be made to the 1995 Fish Stocks Agreement, which as a consequence of its entry into force led to the informal meeting of States parties to that Agreement.

Informal meeting of States parties to the 1995 Fish Stocks Agreement

58. An informal meeting of the States parties to the 1995 Fish Stocks Agreement was held in New York from 30 to 31 July 2002, pursuant to paragraph 6 of General Assembly resolution 56/13 of 28 November 2001, in which the Assembly had requested the Secretary-General to consult with the States parties, upon the entry into force of the Agreement, with a view to, inter alia, considering the regional, subregional and global implementation of the Agreement; making any appropriate recommendations to the General Assembly on the scope and content of the annual report of the Secretary-General relating to the Agreement; and preparing for the review conference to be convened by the Secretary-General pursuant to article 36 of the Agreement.

59. Following the adoption of the agenda of the meeting, States parties were given the opportunity to provide information on actions they had taken to implement the Agreement at the national and international levels. While many States parties detailed the development of domestic implementation measures they had taken, it was also noted that, in general, implementation of the Agreement was still in its early stages. A number of States parties cited the Western and Central Pacific Fisheries Convention as an example of a new regional fisheries management organization incorporating principles contained in the Agreement. Several States parties also noted the impact that effective implementation of the Agreement could have on deterring and eliminating illegal, unreported and unregulated fishing activities.

60. *Provisions of Part VII of the Agreement*. At the informal meeting an extensive discussion was also conducted on the provisions of Part VII of the Agreement concerning the requirements of developing States, including specific calls for cooperation with and assistance to developing States. All participants in the meeting agreed that effective implementation of Part VII would be crucial to the successful implementation of the Agreement generally. A number of States parties described bilateral, subregional, regional and global programmes of assistance currently under way. The participants considered that such a multi-tiered approach would need to continue and expand as part of a coordinated programme of assistance. The States parties agreed on a set of recommendations aimed at facilitating the implementation of Part VII of the Agreement in respect of the special requirements of developing States, including the provision of financial and technical assistance to developing States parties to assist them in realizing their rights and meeting their obligations under the Agreement, and in general to assist them in deriving benefits from participating in the Agreement.

61. *Scope and content of the biannual report*. With reference to the scope and content of the biannual report of the Secretary-General in the light of the entry into force of the Agreement, participants recognized the usefulness of the report of the Secretary-General as a tool to monitor the effective implementation of the Agreement. It was suggested that future reports could include an analysis of the status of implementation as well as a summary of submissions received from States and intergovernmental organizations. Participants recognized that an analytical approach would require that additional resources be allocated to the Secretariat. The meeting also considered whether the Secretary-General should request reports from States on an annual or a biannual basis. Some delegations suggested that non-parties as well as parties should be encouraged to increase their reporting on implementation of the Agreement.

62. *Questionnaire*. In addition, participants agreed to recommend that the General Assembly consider the creation of a questionnaire to be disseminated among States, soliciting more detailed information on their implementation of the Agreement. The questionnaire would be similar to that used by the Food and Agriculture Organization of the United Nations (FAO) to monitor implementation of the Code of Conduct for Responsible Fisheries. It was considered that future reports of the Secretary-General on the implementation of the Agreement adopting such a format might facilitate an ongoing exchange of views on implementation strategies.

63. *Review conference*. With respect to preparations for the review conference called for in article 36 of the Agreement, to take place four years after its entry into force, delegates considered that it was premature to address that issue at the informal meeting, as the conference would likely be held in late 2005 or early 2006. The Secretariat clarified that if additional resources were required for the review conference, a request could be included in the appropriate General Assembly resolution in 2004.

64. *Future resolutions of the General Assembly*. As to the periodicity of the future General Assembly resolutions on fisheries-related issues, many delegates noted the heavy schedule of that body for its regular session in fall 2002, where it would have to consider simultaneously both the resolution on the 1995 Fish Stocks Agreement and the resolution on the global moratorium on large-scale pelagic drift-net fishing and associated issues. There was general support for the General Assembly to move to one fisheries-related resolution negotiated on an annual basis after 2002. However, views differed on the future direction for such a resolution.

65. *Range of topics for the next informal meeting*. In relation to the timing of the next informal meeting of the States parties to the Agreement, the delegates participating in the meeting recommended that a second meeting be held in approximately one year's time in New York. They also expressed the view that the details of the terms of reference for the voluntary trust fund on the implementation of Part VII would be a key item on the agenda of the next meeting. Consequently, one prerequisite for such a meeting would be the availability of information from the background study on the implementation of Part VII, including a study of current activities.

66. Delegates also recommended that the next informal meeting of States parties include a broader range of topics relevant to the Agreement. Provisions relating to the precautionary approach and Part VI of the Agreement (Compliance and enforcement) were two issue areas suggested by some delegations. In addition,

Canada announced its intention to host an international conference on the Agreement sometime in 2004 or 2005, with results to be forwarded to the review conference. It was agreed that future informal meetings of States parties to the Agreement should coordinate their activities with those of the conference to be organized by Canada to maximize the utility and supportiveness of these meetings.

67. As indicated in paragraph 6 of General Assembly resolution 56/13, the purposes and objectives of the informal meeting of States parties are to contribute to the subregional, regional and global implementation of the Fish Stocks Agreement.

68. *Summary of recommendations*. For these purposes, the meeting adopted a summary of recommendations concerning the implementation of Part VII, including a recommendation to the General Assembly to explore the establishment of a voluntary trust fund at the global level to support the implementation of Part VII. It was noted that the voluntary trust fund, as part of the broader programme of assistance, would enable developing States parties to exercise their right more fully and fulfil their obligations under the Agreement. Participants identified the background study on the implementation of Part VII called for in paragraph 8 of resolution 56/13, as a critical prerequisite to the establishment of a voluntary trust fund. To facilitate early completion of such a study, the United Kingdom offered to provide technical assistance to the Division for Ocean Affairs and the Law of the Sea, which is the secretariat of the Agreement.

69. In accordance with the recommendations of the informal meeting of States parties to the 1995 Fish Stocks Agreement, the General Assembly should undertake the following actions:

(a) A programme of assistance with multiple components in favour of developing States parties should be established under Part VII of the Agreement to complement existing programmes at the bilateral, regional and global levels;

(b) One component of such a programme should be the establishment of a voluntary trust fund dedicated to the implementation of the objectives set forth in articles 25 and 26 in Part VII of the Agreement, to be managed by FAO in consultation with the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs;

(c) The following activities might be considered for early implementation through the voluntary trust fund:

(i) Facilitation of participation by developing States in regional and subregional fisheries management organizations and arrangements, e.g., by defraying their membership dues and travel costs to such meetings;

(ii) Provision of travel costs for the participation of developing States in meetings of relevant global organizations;

(iii) Capacity-building activities in key areas such as monitoring, control and surveillance, data collection and scientific research;

(iv) Support for ongoing and future negotiations to establish new regional or subregional fisheries management organizations and arrangements in areas without such bodies currently in place, and to strengthen existing subregional and regional fisheries management organizations and arrangements;

(v) Exchange of information and experience in the implementation of the Agreement;

(d) The Secretary-General should convene a second informal meeting of States parties to the 1995 Fish Stocks Agreement in 2003, for the purposes and objectives of following up discussions initiated at the informal meeting in July 2002 on the implementation of Part VII of the Agreement, including the establishment of the trust fund to assist developing States parties, and with a view to implementing other key provisions of the Agreement;

(e) The Secretary-General should invite the United Nations Development Programme, FAO and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, regional fishery bodies and arrangements, and relevant non-governmental organizations to attend the next informal meeting of the States parties to the Agreement.

V. Review by the General Assembly of developments in ocean affairs: United Nations Open-ended Informal Consultative Process established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs

70. It is recalled that the General Assembly, by its resolution 54/33 of 24 November 1999, decided to establish an open-ended informal consultative process in order to facilitate the annual review by the Assembly, in an effective and constructive manner, of overall developments in ocean affairs.

71. Pursuant to paragraph 3 (e) of resolution 54/33 and after consultations with Member States, the President of the General Assembly reappointed Tuiloma Neroni Slade (Samoa) and Alan Simcock (United Kingdom) as co-chairpersons of the third meeting of the Consultative Process, which was held at United Nations Headquarters from 8 to 15 April 2002.

72. *Third meeting of the Consultative Process: format and agenda.* The co-chairpersons held an informal preparatory meeting on 15 February 2002 at United Nations Headquarters in order to consult with delegations on the format and agenda of the third meeting of the Consultative Process. Following the practice of the two previous meetings, the third meeting adopted its format and agenda by consensus. The format of the meetings provided, among other things, the opportunity to receive input from major groups, as identified in Agenda 21, especially non-governmental organizations, and worked through plenary sessions and two discussion panels, having each a specific subject area of concentration. The areas of focus for each of the two discussion panels were as follows:

(a) Protection and preservation of the marine environment:

- Integrated approach to the protection and preservation of the marine environment, and to the conservation and management of its resources
- International rules and standards and their enforcement

- Practical measures to underpin States' activities — monitoring and assessment; collective response to emergencies and regional considerations;

(b) Capacity-building, regional cooperation and integrated ocean management.

73. The third meeting of the Consultative Process took up once again the subject of the protection and preservation of the marine environment (previously discussed at the first meeting in 2000) in order to better coordinate the work of the Process with the World Summit on Sustainable Development.

74. Consistent with the legal framework provided by UNCLOS and the goals of chapter 17 of Agenda 21, the third meeting of the Consultative Process discussed the annual report of the Secretary-General on oceans and the law of the sea and suggested particular issues to be considered by the General Assembly, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.

VI. World Summit on Sustainable Development

75. The World Summit on Sustainable Development was held at Johannesburg, South Africa, from 26 August to 4 September 2002. In accordance with General Assembly resolution 55/199, the conference was organized in the context of a 10-year review of progress achieved in the implementation of the outcome of the United Nations Conference on Environment and Development in 1992 at the summit level to reinvigorate the global commitment to sustainable development.[16]

76. *Two main documents of the Summit*. The Summit negotiated and adopted two main documents: the Johannesburg Declaration on Sustainable Development[17] and the Plan of Implementation of the World Summit on Sustainable Development.[18] Oceans issues, including those pertaining to the implementation of UNCLOS, are dealt with in part IV of the Plan of Implementation, under the key thematic area "Protecting and managing the natural resource base of economic and social development". Part VII of the Plan of Implementation addresses the thematic area of "Sustainable development of small island developing States".

77. *The Summit and the Consultative Process*. As part of an integrated effort to assist in the negotiations at the Summit, the General Assembly, in its resolution 56/12 of 28 November 2001, recommended that in its deliberations on the report of the Secretary-General on oceans and the law of the sea, the third meeting of the Consultative Process should organize its discussions on: (a) protection and preservation of the marine environment; and (b) capacity-building, regional cooperation and coordination, and integrated ocean management, as important cross-cutting issues to address ocean affairs, such as marine science and transfer of technology, sustainable fisheries, the degradation of the marine environment and the safety of navigation (see para. 81 below). The Plan of Implementation of the World Summit on Sustainable Development in fact takes note of the work of the Consultative Process and of the upcoming review of its effectiveness and utility, to be held at the fifty-seventh session of the General Assembly. The report on the work on the Consultative Process at its third meeting was in fact made available to the Fourth Summit Preparatory Committee, held from 27 May to 7 June 2002 in Bali, Indonesia.

78. In the context of oceans and seas, the outcomes of both the World Summit on Sustainable Development and the third meeting of the Consultative Process identified in the majority of cases common issues and areas where action is needed.

79. Both the Plan of Implementation and the report of the Consultative Process underlined the importance of oceans and seas as essential components of the Earth's ecosystem and critical elements for global food security and for sustaining economic prosperity and the well-being of many national economies, particularly in developing countries. In this context the need for coordination and cooperation in integrated ocean management at all levels, within the context of UNCLOS and chapter 17 of Agenda 21, was recognized as essential. The need to establish an effective, transparent and regular inter-agency coordination mechanism on ocean and coastal issues within the United Nations system was particularly highlighted.

80. *Coastal and ocean management.* The promotion of integrated, multidisciplinary and multisectoral coastal and ocean management at the national level is at the core of both documents, with special attention to the need to build capacity in order to assist developing countries and countries with economies in transition in this endeavour. The importance of regional cooperation and coordination, especially between the relevant regional organizations and programmes, the regional seas programmes of the United Nations Environment Programme (UNEP), regional fisheries management organizations and other regional science, health and development organizations, was also emphasized.

81. *Sustainable fisheries.* In the context of sustainable fisheries, the Summit document required action to be taken in order to maintain or restore stocks to levels that can produce the maximum sustainable yield, with the aim of achieving these goals for depleted stocks on an urgent basis and, where possible, not later than in the year 2015. To achieve an improvement in the regulation of all aspects of fisheries management, both the Summit and the Consultative Process called for the implementation of an ecosystem-based approach and underlined the importance of ratifying, acceding to and implementing the relevant international instruments and putting into effect the FAO international plans of action. Both documents underline the central role of regional fisheries organizations and arrangements and the necessary actions needed on their part to achieve sustainable fisheries. The Summit document also focused on the need to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to over-capacity; to strengthen donor coordination and partnerships between international financial institutions, bilateral agencies and other relevant stakeholders to enable developing countries to develop their national, regional and subregional capacities for infrastructure and integrated management and the sustainable use of fisheries; and to support the sustainable development of aquaculture.

82. *Conservation and management of the oceans.* In the context of the conservation and management of the oceans, the need to maintain the productivity and biodiversity of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction, was addressed both by the Summit and by the Consultative Process. The ecosystem approach, the elimination of destructive fishing practices, the establishment of marine protected areas consistent with international law and based on scientific information, and the integration of marine and coastal areas management into key sectors were some of the approaches

and tools identified to achieve this goal. The Summit document established a time frame for representative networks of marine protected areas to be set up by 2012.

83. *Protection and preservation of the marine environment.* In the context of the protection and preservation of the marine environment, actions at all levels to prevent, reduce and control pollution from land-based sources were identified as a priority. An essential requirement in this respect was the implementation of the 1995 Global Programme of Action and the 2001 Montreal Declaration on the protection of the marine environment from land-based activities. In order to prevent, reduce and control the pollution of the marine environment from all sources, it was underlined that existing international instruments and regulations, in particular those developed in the context of the International Maritime Organization (IMO), needed to be ratified and implemented. The need to expedite the development of new measures, such as the IMO International Convention on the Control and Management of Ships' Ballast Water and Sediments, was also emphasized.

84. *Assessment of marine and coastal ecosystems.* The important role of scientific information and the need for the regular assessment of marine and coastal ecosystems was identified as a fundamental basis for sound decision-making. In particular, a request was put forward for the establishment of a mechanism for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments: the Plan of Implementation of the World Summit on Sustainable Development indicated 2004 as a deadline for the establishment of such a mechanism. The need for capacity-building in marine science, especially to help to meet the special needs of developing countries and countries with economies in transition, was also stressed.

85. *Small island developing States.* In relation to the sustainable development of small island developing States, chapter VII of the Plan of Implementation, identifies small island developing States as a special case for both environmental and developmental reasons. The document calls for action in a number of areas, such as: implementation of chapter 17 of Agenda 21[19] and the Programme of Action for the Sustainable Development of Small Island Developing States (Barbados Programme of Action); implementation of sustainable fisheries management and improvement of financial returns from fisheries, by supporting and strengthening relevant regional fisheries management organizations; elaboration of specific initiatives, in delimiting and managing in a sustainable manner their coastal areas and exclusive economic zones and the continental shelf, as well as relevant regional management initiatives within the context of UNCLOS and the UNEP regional seas programmes; provision of support, including for capacity-building, for example for programmes of work on marine and coastal biological diversity; and implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities by 2004.

VII. Conclusions

86. **The year 2002 marks the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea. This year the Commission on the Limits of the Continental Shelf considered the first submission by a coastal State, the Russian Federation, regarding the outer**

limits of its continental shelf beyond 200 nautical miles, and adopted its recommendations on the matter. This event is further evidence of the successful functioning of the mechanisms established by the Convention. Several coastal States are also at an advanced stage of preparation of their submissions to the Commission, thus making further progress towards securing maritime boundaries.

87. **The third meeting of the Consultative Process revisited the subject of the protection and preservation of the marine environment in order to better coordinate the work of the Process with the World Summit on Sustainable Development, which was convened in Johannesburg. During the current session the General Assembly will undertake its annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, and will assess the effectiveness of the consultative process.**

88. **The Plan of Implementation of the World Summit on sustainable Development emphasized once again the importance of addressing the sustainable development of oceans and seas and provided for the further implementation of chapter 17 of Agenda 21. The Plan of Implementation sets out commitments to actions at all levels to ensure the sustainable development of the oceans, including sustainable fisheries, the promotion of the conservation and management of the oceans, the enhancement of maritime safety, the protection of the marine environment from pollution and the improvement of scientific understanding and assessment of marine and coastal ecosystems as a fundamental basis for sound decision-making.**

89. **The first informal meeting of States parties to the 1995 Fish Stocks Agreement was convened in July 2002; it recommended a number of actions to be undertaken by the General Assembly, including the establishment of a programme of assistance with multiple components in favour of developing States parties to complement existing programmes at the bilateral, regional and global levels.**

90. **It is remarkable to see that different forums, including the World Summit, have finally adopted a unified approach to oceans and seas under the general framework of UNCLOS and the goals of chapter 17 of Agenda 21.**

Notes

[1] The report of the third meeting of the Consultative Process is contained in document A/57/80. It is recalled that by a letter dated 17 July 2002, the co-chairpersons informed the permanent representatives to the United Nations in New York that the report of the third meeting of the Consultative Process would not contain, as had been previously agreed, either the summary of the panel discussions or the statements made at the first plenary session by the Under-Secretary-General for Legal Affairs, the Legal Counsel, and by the Director, Division for Sustainable Development, Department of Economic and Social Affairs, representing the Under-Secretary-General of that Department. The Division for Ocean Affairs and the Law of the Sea had been informed by the Department of General Assembly Affairs and Conference Services, responsible for processing documents, that a new directive was in force at the Secretariat according to which reports emanating from intergovernmental bodies, such as the Consultative Process, could not exceed 25 pages in length for purposes of translation and reproduction as official United Nations documents. The draft Consultative Process report was 62 pages long. Accordingly, it was necessary to remove from the report the summary of the panel of discussions and the two

statements, which are set out instead, together with the text of document A/57/80, on the web site of the Division, at www.un.org/Depts/los.

[2] The four reports mentioned in paragraphs 2 to 4 are available to the General Assembly when it considers the item on "Oceans and the law of the sea" at the fifty-seventh session.

[3] See document SPLOS/91 for a comprehensive report of the twelfth Meeting of States Parties.

[4] For more details on the election of the Commission, see SPLOS/91, paras. 95-101.

[5] CLCS/34, paras. 15-17.

[6] More detailed information regarding the work of the Commission can be found in the recent annual reports of the Secretary-General (A/57/57, paras. 53-77, A/56/58, paras. 52-82 and Add. 1, paras. 19, 30-49; A/55/61, paras. 25-29; A/54/429, paras. 55-69; A/53/456, paras. 55-69; A/52/487, paras. 43-53; and A/51/645, paras. 77-84, as well as in the report of the twelfth Meeting of States Parties (SPLOS/91, paras. 95-101), and in the statements of the Chairman of the Commission on the progress of work in the Commission, at the tenth (CLCS/32) and eleventh (CLCS/34) sessions.

[7] For the text of the presentation, see CLCS/31.

[8] CLCS/32, paras. 1-10. The text of those communications are available on the web site of the Division for Ocean Affairs and the Law of the Sea, at www.un.org/Depts/los/clcs_new/commission_submissions.htm.

[9] For more details on the establishment and work of the subcommission, see CLCS/32, paras. 12-20, and CLCS/34, paras. 29-32.

[10] Rule 51 stipulates, inter alia, that "the coastal State shall, in accordance with article 5 of annex II to the Convention, be invited to send its representatives to participate, without the right to vote, in the proceedings deemed relevant by the Commission".

[11] The Commission also invited two former members of the Commission and the subcommission, Karl H. F. Hinz and Iain C. Lamont, as experts, to attend those parts of the proceedings of the eleventh session of the Commission pertinent to the work of the subcommission, which had recommended their participation in order to answer questions and provide explanations, as necessary, during the Commission's consideration of the subcommission's recommendations.

[12] See A/56/58/Add.1, para. 36.

[13] The estimated balance for the Trust Fund for preparation of submissions to the Commission, as well as for other trust funds, was provided to the Division for Ocean Affairs and the Law of the Sea by the United Nations Office of Programme Planning, Budget and Accounts. The balance for the Trust Fund for attending the Consultative Process was estimated at $164,828. The balance for the Trust Fund to assist States in the settlement of disputes through the International Tribunal for the Law of the Sea was estimated at $40,956.

[14] For details regarding the establishment, purpose and terms of reference of the Fund, see A/57/57, paras. 62-70.

[15] In applications for financial assistance to the Fund, the requirements of section 4 of annex II to General Assembly resolution 55/7 must be satisfied. Section 4 states both the purposes for which financial assistance may be sought and the detailed information to be provided by the State for each purpose. It must be emphasized that, according to the terms of reference, reimbursement may only be given upon proof of payment by the State in the form of original receipts evidencing actual expenditures for pre-approved costs.

[16] For details on preparations for the Summit, see A/57/57, paras. 497-511.

[17] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 20 August-4 September 2002* (A/CONF.199/20), chap. I, resolution 1, annex.

[18] Ibid., resolution 2, annex.

[19] Chapter 17, sect. G, of Agenda 21 relates specifically to the sustainable development of small island developing States.